THE ADMISSION OF UTAH.

ARGUMENT

OF

HON. JOHN T. CAINE,

OF UTAH,

IN FAVOR OF THE

ADMISSION OF UTAH AS A STATE,

MADE BEFORE THE

HOUSE COMMITTEE ON TERRITORIES

SECOND SESSION, FIFTIETH CONGRESS,

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ADMISSION OF UTAH AS A STATE.

ARGUMENT OF HON. JOHN T. CAINE, DELEGATE FROM UTAH.

COMMITTEE ON TERRITORIES,
Wednesday, January 16, 1889.

Mr. CAINE addressed the committee as follows:

Mr. Chairman and gentlemen of the committee, the admission of Utah as a State of the Union can not be denied upon any logical grounds. She has more than the requisite population to entitle her to a representative in Congress. The Governor in his last annual report says:

> It is estimated that we have a population of about 210,000, and have an assessed taxable valuation of $46,379,073, an increase of about $11,000,000 over last year.

Of the five Territories which it is proposed to admit as States, under your amended omnibus bill, but one has a greater population, and not one of the other four has so great a number of inhabitants. Excepting South Dakota, no one of the proposed new States has greater wealth, and nowhere in the Union, or in any country on the face of the globe, is there so equitable a distribution, per capita, of the general accumulation of property. The landed proprietorship is the true index to the material condition of the masses in any country. By the last census it was shown that the average size of the farms in Utah was 69 acres, and this is a less average farm acreage than in any State or Territory in the Union. But this average, shown by the census statistics, is not a fair indication of the general distribution of the landed proprietorship of Utah. The far greater number of proprietorships are, in extent of area, less than 25 acres. An intelligent member of the British Parliament, who spent a great deal of time in Utah, carefully investigating the condition of the people and the resources of the Territory, stated in an article published in the Nineteenth Century that of the great bulk of the population at least 90 per cent. were the owners of homes.

The capacity of a population the greater proportion of which are landed owners for self-government can not be doubted. The conduct of Territorial affairs, as evidenced by the finances, the public improvements, the schools, is a fair test of qualification of the people to manage their own affairs. The Territory was without debt until the last legislature authorized the issue of bonds to the amount of $150,000 at 5 per cent. for educational and charitable purposes. These bonds command a premium. There is scarcely any municipal or county indebtedness. The highways and bridges are not inferior to those of any Territory. The vast irrigation system upon which agriculture almost wholly depends has been built by community co-operation. The school system is an admirable one, and the percentage of illiteracy is less than that of any Territory and than that of most of the New England States.

Mr. Ferry, in his argument before you, said that the schools of the Territory were Mormon schools. Now this is incorrect, except so far as the schools are supported by taxation derived from Mormons, and that the trustees in purely Mormon precincts are members of the Mormon Church. Apart from that, there is no truth in the statement. There are no religious tenets taught in the schools, nor has there been since they were supported in whole or in part by taxation.

Mr. MANSUR. Are there any religious ceremonies connected with the schools whatever?

Mr. CAINE. If there are they are simply in reading a portion of Scripture from the Bible at the opening of school and a simple prayer, asking for divine assistance in the studies and exercises in which they are engaged as scholars. I have attended the schools and heard the exercises, and nothing occurred that might not take place in any school in the country.

And here let me say, in answer to the statement of Mr. Ferry that there are no Gentile teachers in the district schools outside of Salt Lake City, that there never has been a time since the settlement of the Territory when there were not Gentile school-teachers employed. The fact is, a number of our leading preceptors came to Utah as non-Mormons and were employed in the district schools. I know many of them personally. Some of them subsequently joined the church; others have never done so. Some have left the Territory; others remain either as teachers or are engaged in some other capacity. As to his statement that the school-houses are used for religious services, that is largely incorrect. In most of the settlements the meeting-houses are entirely separate from the school-houses. In early times the people built meeting-houses by donation, not taxation, and used them for this double purpose, as they had a right to do.

Mr. MANSUR. I may remark that this has been a common thing in northern Missouri all my life; very common.

Mr. CAINE. I think it is a common thing among the rural districts of the States at the present time. But all the school-houses throughout the Territory are controlled by school trustees elected by the voters, and are not under church direction in any manner whatever. If they are used for church services, it is by arrangement and sometimes by rental regulated by the school trustees. Ministers of all denominations have been permitted to occupy our meeting-houses, school-houses, and the great Tabernacle at Salt Lake for religious services. Before the Protestant churches had houses of worship of their own it was a common thing, when noted ministers passed through Salt Lake City, for them to be invited to preach in the Tabernacle. I have heard Episcopalians, Presbyterians, Baptists, Methodists, Unitarians, and ministers of almost all denominations preach there. A Second Adventist came there once at my suggestion from San Francisco and held a series of meetings, and he was furnished with the Tabernacle, heated and lighted, free of cost, and Brigham Young, who was then alive, paid his hotel bill, because he was told by the minister that he preached without "purse or scrip." Children of all classes of citizens may and do attend the public schools. A gentleman whom I met yesterday informed me that he had taught in four public schools in different parts of Utah, in each of which a large number of children, both of Mormon and non-Mormon parents, were pupils. He said in Payson, Utah County, where he taught, that he had from twenty-five to fifty children of non-Mormon parentage, notwithstanding there was a non-Mormon or denominational school in the town.

The records of the land office show that there have been, since its opening in 1869, 8,157 homestead entries for a total acreage of 10,002,998 acres, and 11,056 pre-emption filings for 1,326,520 acres; cash entries numbered 3,297 for 323,829 acres, and desert applications 2,573 for 508,388 acres; timber culture 1,051 for 127,866 acres; a total of 26,134 entries and applications for 12,309,551 acres. There was no surveyor-general in Utah until 1855.

Mr. RICHARDS. I would state that the land laws were not extended over the Territory until 1868, and the land office was opened in the spring of 1869.

Mr. CAINE. Mr. McBride wishes this committee to believe that these lands were parceled out to the people by the bishops. There is not a lawyer in Utah who does not know this to be untrue. The land there has been entered and titles obtained by the holders from the Government through the United States land office as elsewhere. And here let me repeat what has been explained many times when groundless charges have been made like those chestnuts of Mr. McBride, that the Mormons regarded themselves as the proprietors of the soil and that certain grants were made by the legislature to Brigham Young and others. When Utah was first settled the lands had not been surveyed by the Government. Until they were brought into market possessory rights had to be defined and established. This was all that was done or claimed to be done. When the lands were open to entry they had to be purchased of the Government, but the *bona fide* occupants had the first claim. Adventurers in some instances tried to jump these claims and of course were resisted, but not in the way they were resisted in many parts of the great West, where such nefarious efforts have been silenced at the end of a rope. It is absurd to state that the removal of old survey stakes which were trampled out of place by stock or pulled up by Indians were purposely removed by the Mormons, for they had an interest in preserving the lines of these surveys. They were anxious to obtain titles to their lands. As to the cañon grants to the persons named, they were but temporary, like all other arrangements of that kind, and were absolutely necessary for the benefit of the people. For instance, Brigham Young expended thousands of dollars to open a road up City Creek Cañon and keep it in repair, so that the people might be able to reach the fire-wood and timber in the mountains, the only places where it could be obtained. There was no coal discovered then, and the cañons were their only source of obtaining fuel. Brigham Young was secured in the control of the cañon during that period, and a toll of so much of the wood and timber brought down was permitted to repay him for his personal outlay. Every one of these grants expired when the lands were placed on the market by the Government and thrown open to public entry. So much for all that nonsense about the "primary disposal of the soil." I have known Brigham Young to expend from $3,000 to $6,000 a year in keeping that road in repair. It was frequently washed out in the spring by freshets.

Mr. MCBRIDE. I undertake to say that road never cost that much, putting it all together.

Mr. CAINE. Well, judge, that becomes a matter of testimony, and I think I can produce the evidence if required.

Mr. BASKIN. I have traveled it, and I have been there twenty years, and I will assert what Judge McBride says in connection with it. I say it would not cost $300 a year to keep it in repair from end to end.

Mr. CAINE. I speak of the time before either of those gentlemen came

to Utah, when it was a rough cañon, and it needed this expenditure to to make the road and keep it open.

Mr. BASKIN. It would not cost $5,000 to build it from end to end.

Mr. CAINE. Perhaps it would not cost that to build the cañon road in your estimation. I believe I can substantiate my statements and produce the accounts if necessary.

The far greater number of the people of Utah are agriculturists and stock-growers. The statistics of these industries, in the absence of a census, can only be approximated. But the governor of the Territory in his two last annual reports has given estimates which I am convinced understate rather than overstate the agricultural and pastoral interests. From these figures I tabulate as follows:

Grain and hay products	$6,419,000
Vegetable and other garden products	1,550,000
Cattle, 1,500,000 head, value	11,500,000
Horses, 250,000 head, value	10,000,000
Sheep, 2,400,000 head, value	12,000,000
Swine, 100,000 head, value	500,000

The annual yield of farm and garden products, and profits of stock-raising, and of the wool clip, is estimated to be not less than $18,304,000.

The manufactured articles for 1888 are valued at about $9,000,000.

The output of the coal-mines of Utah last year exceeded in value over $1,000,000.

The output of precious minerals in 1888 at sea-board value was $10,993,781.

The total business transacted in the Territory, exclusive of railway and telegraphic business, was something like $130,000,000.

The transactions in real estate in Salt Lake County alone for 1888, as they appear by the records of that county, aggregated $5,355,666.58.

The growth of the principal cities and towns of Utah, during the past year, has been very rapid, and in Salt Lake City the value of property is quoted by real-estate dealers as follows, per foot frontage, with a depth of 165 feet:

First-class business corners	$1,250
Second-class business corners	500
First-class business inside	1,000
Second-class business inside	400
Acreage, first-class, suitable for homes, per acre	1,000
Acreage, second-class, suitable for homes, per acre	500
Farming land, per acre	60 to 75

There are 1,140 miles of railway in operation in Utah, and several new lines in course of construction and projected.

The mineral wealth of Utah is incalculable. Its mines of the precious metals are among the greatest in production in the United States, while her deposits of iron and coal, lead and copper, are immense in extent and of very superior quality. New discoveries of valuable minerals are made every year.

The Territory has all the elements of greatness within its borders. Its resources being varied, diversified industries flourish, and the future gives promise of most wonderful results. The splendid system of irrigation, which has been provided by community co-operation, renders certain food-supplies at cheap rates. Situated as she is, Utah must inevitably become a great manufacturing center.

The only constitutional requirement for the admission of a State is that it shall have a constitution republican in form. The first statesmen of the Union have differed in opinion as to the population a Territory should have to entitle it to statehood. The ordinance of 1787, which

was the first legislation respecting Territories, and antedated the constitutional convention, was undoubtedly the formulated concensus of opinion of the fathers of the Republic in regard to provisional governments. They were deemed merely temporary expedients, and the right to full and unqualified self-government was recognized as inherent in the people who sought homes in the wilderness. When the hardy pioneers reached the number of 5,000 in a district they were entitled to enact laws for themselves by a legislative body chosen for that purpose, the Congress reserving the right to provide executive and judicial machinery. But whenever there were 60,000 free inhabitants in such district they were "at liberty to form a permanent constitution and State government." There was but one restriction:

> The constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles.

This requirement of a population of 60,000 was not iron-clad, because it was provided that the admission "shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000," when the same could be done consistently with the general interest of the confederacy.

It can not be doubted that this *right* of local community self-government was, at that period, and during the years immediately following the establishment of our constitutional government, held in such high esteem that it was generally conceded that a considerable body of people inhabiting a Territory could not be rightfully deprived of admission to the Union and statehood. It is unquestionably true that in more than one instance the people settled in certain districts exercised what they deemed to be their inalienable rights, and formed and set in operation State governments, and *demanded* admission for their Senators and Representatives to the Congress of the United States.

The power of Congress to determine for itself the qualifications of membership was, of course, not disputed, its constitutional rights in this respect being absolute; but the right of a great body of citizens of the United States to local community self-government was most strenuously contended for and was practically yielded in one or more cases.

In the case of Tennessee a convention of the people met at Knoxville, January, 11, 1796, and framed a constitution and provided for a State government. The convention having completed its work, formally notified the President of the United States that on the 28th day of March, 1796, at which time the legislature would meet to act on the constitution, the temporary government established by Congress would cease.

How did the Father of his Country, who was then President of the United States, receive this ultimatum from the people of the Territory of Tennessee? He submitted to Congress the documents with a plain intimation that he deemed the people justified in all they had done.

The House of Representatives recognized the right of the people of Tennessee to local community self-government by a vote of 43 to 30 on a resolution declaring the State of Tennessee to be one of the States of the Union.

The Senate, by one majority, insisted at first that, before Tennessee could become a State, Congress must determine whether the district ceded by North Carolina should, under the terms of the cession, be constituted into one or more States, and must provide for a census under national authority to determine whether there were 60,000 inhabitants

therein. But the House disagreed, and amended the Senate bill so as to admit Tennessee at once, to which the Senate agreed.

Three of the greatest men of that period, Mr. Madison, of Virginia, Mr. Macon, of North Carolina, and Mr. Gallatin, of Pennsylvania, in the debate voiced the sentiment which then prevailed in regard to the sacred right of local community self-government.

Mr. Madison said:

The inhabitants of that district of country were at present in a degraded situation; they were deprived of a right essential to freemen—the right of being represented in Congress. Laws were made without their consent, or by their consent in part only. An exterior power had authority over their laws; an exterior power appointed their executive, which was not analogous to the other parts of the United States, and not justified by anything but an obvious and imperious necessity. He did not mean by this to censure the regulations of this provisional government, but he thought where there was doubt Congress ought to lean towards a decision which should give equal rights to every part of the American people.

Mr. Macon said that—

There appeared to him only two things as necessary to be inquired into: First, was the new government republican? It appeared to him to be so; and secondly, were there 60,000 inhabitants in the Territory? It appeared to him there were; and if so, their admission as a State should not be considered as a gift, but as a right.

Mr. Gallatin said:

The people of the Southwestern Territory became *ipso facto* a State the moment they amounted to 60,000 free inhabitants, and that it became the duty of Congress, as part of the original compact, to recognize them as such and to admit them into the Union whenever they had satisfactory proof of the fact. * * * Either you must acknowledge that their admission depends solely on the condition of the compact being fulfilled, to wit, their having the number required, or you declare that it rests upon another act, which may be done or refused by the other party; that Congress have the power, by neglecting to lay them out into one or more States, or by refusing to pass a law to take a census, to keep them forever in their colonial state.

The people of the Territory of Michigan twice memorialized Congress once in 1833 and again in 1834, to be admitted as a State to the Union. No heed being paid thereto, the Territorial legislature, in January, 1835, passed an act convening a convention of the people to form a State constitution. In May following the convention met at Detroit, framed a constitution, submitted it to the people, who ratified the same, and elected State officers. The State government was set in operation without awaiting any action by the Congress of the United States. There was not even a memorial sent to Congress praying for recognition of what the people had done. Senators and a Representative were elected to Congress, and they presented themselves and demanded their right to seats. The President of the United States transmitted to Congress a copy of the constitution of the State of Michigan, with the following message:

WASHINGTON, *December* 9, 1835.

To the Senate and House of Representatives:

GENTLEMEN: By the act of the 11th of January, 1805, all that part of the Indian Territory lying north of a line drawn due east from the southerly bend, or extreme, of Lake Michigan until it shall intersect Lake Erie, and "east of a line drawn from the said southerly bend, through the middle of said lake, to its northern extremity, and thence due north to the northern boundary of the United States," was erected into a separate Territory, by the name of Michigan.

The territory comprised within these limits, being part of the district of country described in the ordinance of the 13th of July, 1787, which provides that whenever any of the States into which the same should be divided should have 60,000 free inhabitants, each State should be admitted by its delegates into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government, provided the constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles, etc. The inhabitants thereof have, during

the present year, in pursuance of the right secured by the ordinance, formed a constitution and State government. That instrument, together with various other documents connected therewith, has been transmitted to me for the purpose of being laid before Congress, to whom the power and duty of admitting new States into the Union exclusively appertains; and the whole are herewith communicated for your early decision.

ANDREW JACKSON.

Andrew Jackson, of Tennessee, stood by what the people of that State had done thirty-nine years previous, and, without presuming to dictate to Congress, left no doubt, by what he said and left unsaid in his message, as to where he stood in the case of Michigan. He believed in the inalienable right of local-community self-government which was so clearly recognized by the ordinance of 1787—the clearly formulated and expressed judgment of the fathers of the Republic on this great principle of free government on which our representative institutions are bottomed. Congress, June 15, 1836, ratified what the people of Michigan had done by admitting her as a State to the Union, merely requiring a change of her southern boundary.

In the course of the debate in the Senate, Senator Buchanan, of Pennsylvania, said:

I think their course justifiable, but if there is anything wrong or unusual in it, it is to be attributed to the neglect of Congress.

For three years they have been rapping at your door and asking for the consent of Congress to form a constitution and for admission into the Union, but their petitions have not been heeded and have been treated with neglect. Not being able to be admitted in the way they have sought, they have been forced to take their own course and stand upon their rights—rights secured to them by the Constitution and a solemn and irrepealable ordinance (of 1787).

They have taken a census of the Territory; they have formed a constitution, elected their officers, and the whole machinery of a State government is ready to be put in operation; they are only awaiting your action. Having assumed this attitude they now demand admission as a matter of right; they demand it as an act of justice at your hands.

But, in reality, the State government did not stand upon the ceremony of Congressional action so far as local affairs were concerned. Acts of sovereignty were done by the State government.

There is force in the rule which, by common consent, has come to be generally applied in the cases of Territories seeking admission as States, namely, that they shall have a population equal to the ratio of representation in the House of Representatives. But the most that can be said of it is that it is founded on reason and is not arbitrary. But it does not apply with any more force to the case of the people of a Territory than it ought to apply to those of a State of small dimensions or limited population. The great and populous States naturally feel some jealousy at having their influence in the Senate counterbalanced by the Senatorial representatives of Delaware, Rhode Island, or Nevada. But this same jealousy manifested itself in the constitutional convention and the Senatorial representation was but one of the many concessions and compromises which had to be made to secure "a more perfect Union."

The great underlying principle involved in all the controversies growing out of the admissions of Territories to the Union, and which has always been recognized, is the right of the people to local-community self-government. As I have said, it was this right which was so conspicuously recognized in the celebrated ordinance of 1787 respecting the Northwest Territory. No other event in the political history of our country was fraught with more momentous consequences than the enactment by the Congress of the Confederation of that ordinance. It re-

moved one of the greatest obstacles in the way of "a more perfect Union." It solved a problem which had presented itself to the mind of every reflecting statesman of that period—"what was to be the form of government for the outlying settlements in this vast region as they grew in numbers?"

No one harbored for an instant the idea that pro-consular rule would be tolerated by the brave and hardy spirits who would seek homes in the wilderness. The independence of character, perfect self-reliance, and fearlessness of consequences where their rights were involved, were conspicuous traits of the American pioneer. The habit of coming together, of deliberating and determining for themselves was and is natural to the American. It is part of his nature. It comes to him from a far off-time—from beyond the day-dawn of history. His progenitors in the woods of Germany, in their villages, exercised the right to regulate their local affairs. Tacitus noted it as a curious fact. From that day to this, through all the pages of history, we trace the effect of this Teutonic inheritance in the governments established by the races and peoples springing from that stock. At the base lies the principle of local-community self-government. It is perfectly wonderful how even forms are preserved during ages when a principle is embodied therein which affects human rights. The town meeting of a new England community to-day has many points of resemblance in its proceedings and the scope of its authority to those of the village-community meetings of Germany, some of whose customs are mentioned by Tacitus.

The recognition of the right of a considerable body of the American people, who go beyond the boundaries of States to find homes in the wilderness, to provide a republican form of government for themselves, has, I repeat, always been recognized. Statehood is something more than a boon Congress is empowered to bestow. It is a right inherent in the people. To deny this proposition is to deny the great fundamental principle on which our Government is founded; nay, more, it is to deny that men are capable of self-government. I do not ask for any more cogent arguments in behalf of the right for which I am contending for the people of Utah than those which the minority of this committee have advanced in behalf of the people of Dakota. I refer to the comments on the power of one man, the Territorial governor, to virtually control the whole machinery of government in that Territory. The same is not only true in Utah, but the power of the one man there is still more absolute. The Governor of Utah has an absolute veto.

The minority declares that—

> Under our system the functions of government are bestowed upon the legislature, the courts, and the executive. To possess self-government the people must choose all of these, and self-government is a mockery without this power.

I say that it is not even a mockery of self-government, but a denial of it "without this power."

But I take it for granted that the minority of this committee will say—

> We were advocating the case of the people of Dakota, not of those of Utah. We held different views in the same report in regard to the people of New Mexico.

But the grounds for your objections to the admission of New Mexico, even if well taken, which I do not admit, will not apply to Utah.

The people of Utah, in very large part, are descendants of the best stock of New England, New York, Pennsylvania, Ohio, and other Middle Eastern States. They are typical Americans. The people who have builded so marvelously in Utah, who found naught but desolation

reigning in the desert valley of Great Salt Lake, and who have converted the wastes of aridness into smiling fields, were American to the heart's core. They made the most remarkable pilgrimage recorded in human annals, and when, eighteen months after they set out on their long journey from the banks of the Upper Mississippi, their pioneer band rested on the ground where Salt Lake City now stands, their first act was to scale a lofty peak of the Wahsatch and plant there the American flag.

Mr. McBride, who acknowledges that he is one of the anti-Mormon agitators, endeavors to impress this committee with the idea that Utah was already a garden spot, prepared by nature for easy occupation, and so humid that the morning dews soaked the shoes of the mounted traveler. There is no fact better known than that it was an arid, rainless region, and that without irrigation agriculture was an impossibility. What the country was when the Mormon pioneers first stepped upon the parched and treeless soil can be seen in less than an hour's drive from Salt Lake City, where the sand and sagebrush on broad expanses of non-irrigable land attest that wherever streams can not be conducted desolation reigns and nothing can be produced for human sustenance.

Judge McBride. Did you say you were there, Mr. Caine?

Mr. Caine. No, sir, I did not say I was there at that time; I was, however, there five years after. It is an act of ill-grace——

Mr. Baskin. Will the gentleman allow me to ask him a question?

Mr. Caine. Certainly, sir.

Mr. Baskin. You are familiar with the bench country between Salt Lake City and Ogden?

Mr. Caine. Yes, sir.

Mr. Baskin. Do you know they grow what is called winter wheat there on the benches without a particle of irrigation, and produce from 15 to 20 bushels per acre on those dry benches without any water at all, and that your people are engaged in doing that thing to-day?

Mr. Caine. There are some few places in Utah where winter wheat can be raised by what is termed "dry farming;" that is, the wheat matures before the hot sun of summer descends upon it; but they are exceptional, and this is one of the exceptions. As a rule, wheat can not be raised in Utah without irrigation.

Mr. Baskin. Let me ask you what there is in that particular region to make this exceptional, and I will ask if it can be done on all the benches of Salt Lake except that ridge and others?

Mr. Caine. There is something in the soil on that ridge which the judge refers to which matures wheat very early, but the same state of facts do not exist in regard to the other benches surrounding Salt Lake, on which nothing can be raised without irrigation.

Mr. Baskin. I will ask another question: Do you know where my ranch is?

Mr. Caine. I do not.

Mr. Baskin. Do you know where old Mr. Crossley's brewery is? Were you ever up in that flat which is called Crossley's brewery?

Mr. Caine. Not being in the habit of visiting breweries, I do not know the place to which you refer.

Mr. Baskin. I will locate you after a while; you know where Centreville is?

Mr. Caine. Yes.

Mr. Baskin. Well, you know the bench back of that?

Mr. Caine. Yes.

Mr. Baskin. You know that I own a ranch covering that bench?

Mr. CAINE. I do not know it, but I will accept it as a fact that you do.

Mr. BASKIN. That is so. Wherein does that region of country differ from other localities of the character of soil that you say will not produce anything without irrigation?

Mr. CAINE. I do not know. I will let you tell the committee what you know about it.

Mr. DUBOIS. Is it not a fact that around Boisé City, Idaho, they have to irrigate for everything they get?

Mr. CAINE. I never was in that country.

Mr. DUBOIS. I will state that it is a fact that around Boisé City we have to irrigate for everything, and that we have all kinds of fruit there. I just wanted to ask what advantage this people can claim, what benefit this people should enjoy over Boisé City and Idaho on account of the fact that they irrigate, when we also have to irrigate that whole country.

Mr. CAINE. I will answer that by saying, because the settlement of Utah formed a base of supplies for all that country. And it was a different thing to settle Utah, which was 1,000 miles from any source of supplies, than it was to settle Idaho, where you could get supplies from Salt Lake.

Mr. DUBOIS. Our people are entitled to as great credit when they are doing the same thing, as are also the people of Lower California, Colorado, and all the country adjacent to Utah.

Mr. WILSON. If you are entitled to credit, why are not these people of Utah entitled to credit?

Mr. DUBOIS. They are, but not sufficient credit to cause us to overlook their social condition.

The CHAIRMAN. Mr. Caine has the floor, and I trust the gentlemen will please cease these interruptions and let Mr. Caine proceed.

Mr. CAINE. I repeat again, it is an act of ill-grace to attempt to deny to the hardy pioneers the credit due to them for their praiseworthy toil in redeeming the desert from solitude and sterility. It should be borne in mind that they entered Salt Lake Valley July 24, 1847, and that the travel to California along the route they took did not occur till 1849. Remember who these pilgrims were, and how they came to make this unparalleled march from the Mississippi to the Missouri, starting in the dead of winter; crossing the Mississippi on the ice, bearing with them wives and children, the infirm and the sick, and all of this world's goods they possessed; and how, gathering on the banks of the Missouri, more than 5,000 strong, they set out across the trackless plains, traversed the ranges of unknown mountains to find and found homes in an uninviting desert valley. Remember that they were driven by mob violence, as they had previously been driven from Missouri, because their religion differed from that of their bigoted neighbors; expelled from a fair and fertile land, where, by their industry, frugality, and thrift, they had gathered about themselves all the comforts of life, and that all had been sacrificed. Remember that, as they were about to cross the Missouri and take up the line of march across what was then believed to be the Great American Desert, the demand came from the Federal Government for a battalion of their young men to join the force being fitted out to speed by way of Santa Fé and the southern route, and seize and hold California.

Remember that these pilgrims, driven from their homes, were setting out to find new ones in the territory belonging to Mexico, against whom had just been declared, and to operate against whom the stalwart ng men were wanted. Remember that there was no hesitation in

responding to this demand. The word went forth through the camps of the pilgrims and twice the number asked for volunteered. The battalion was formed and made the march to California, and not only helped to wrest that great region from Mexico, but to save it from the grasp of Great Britain, whose war fleet was sailing to occupy the coast and hoist over the land the red cross of Saint George. Remembering these facts, you will not insult the truth by drawing an unfavorable comparison between the people of Utah and the people of any other Territory seeking admission into the Union.

But Mr. Ferry has told you that the enlistment of this battalion was to help the Mormons on their way to the great West. Indeed, it is quite likely that the promoters of this scheme represented the matter in that light to the President of the United States. But the Mormon people were in an Indian country. More than a thousand miles of uninhabited desert and mountain wilds lay between them and their destination. The five hundred able-bodied men demanded and enlisted took from them the very flower of their masculine strength, and exposed them to the mercy of the savages that roamed the broad prairies over which they had to travel. If that noble band were not actually engaged in battle, they made the longest and most arduous march known to history, and their presence in California, as I have said, saved that valuable domain to this nation.

As to the half-masting episode to which Mr. Ferry referred, it is almost waste of time to explain so simple a matter. Some persons, full of grief and humiliation that on the anniversary of national freedom a number of their leading and most esteemed citizens and pioneers, who had laid the foundations of their prosperity, were either in prison or in exile through strained interpretations of special laws, placed the flag at half-mast as a token of mourning. It was not out of disrespect to that emblem of the nation's liberty. No one knows this better than the maligners who pretend, for base purposes, that the act was one of defiance. When was the half-masting of the flag ever before construed into anything but a sign of sorrow? I am ashamed of men who seek in such a paltry way to misinterpret the acts of their fellow-citizens.

And let me beg you not to permit our opponents to stultify your intelligence by misrepresentations of that page of our history which records the story of the so-called Utah rebellion, the sending of an army to quell it, and the discovery that this whole shameful episode was the result of the wicked concoctions of a dissolute and depraved wretch who had shamefully degraded his position and trailed in the mire the judicial ermine he wore, and who, after dragging out a miserable, besotted existence, died drunk only the other day in a low groggery. There never was any resistance to the Federal authority in Utah, and, moreover, no thought of it.

The records of the Federal courts which were alleged to have been destroyed were found intact in their proper place when the Federal commissioners came to Salt Lake City in advance of Johnson's army. For after the millions spent in equipping that army and marching it to the confines of Utah the partial truth got to the Federal authorities here, and so-called peace commissioners were hurried to overtake the military force and stop any hostile operations while an investigation was made. That investigation was the complete vindication of the people of Utah.

But some one says there is a minority in Utah which does not desire statehood, and opposes admission to the Union of the Territory. I an-

swer this in the language of the minority report of this committee on the admission of Dakota, to wit:

The fundamental doctrine of this Government is that majorities must rule. If there is any one principle more pronounced than any other in both Democratic and Republican creeds it is to submit to a vote of the people. This voting has been done by the people of Dakota upon this question of division at an election duly provided for by the legislature of that Territory, carried on and protected by law, and, so far as appears, was fairly conducted.

If the majority shall rule in regard to the division of a Territory, shall it not rule when the question is statehood and admission to the Union? The people of Utah, assembled after due notice in mass meetings in every county, chose delgates to a constitutional convention. This convention, after thorough and careful debate, framed a constitution and submitted it to the whole people for ratification. Their vote was taken at the regular election held under the supervision of the Federal commissioners. The ballots for and against the constitution were received and counted by the regular judges and the result of the canvass regularly declared. A decided majority of all the electors who voted at that regular election voted to ratify the constitution. That constitution was duly presented to Congress and is now before this committee. Here is a parallel case to that of the division of Dakota, and if the majority shall rule in the one case, why not in the other?

But it will be objected that the minority in Utah refused to have any part or lot in the movement for Statehood, refused to recognize the call of which they had ample and special notice to choose delegates to the constitutional convention, and from first to last repudiated the whole business.

Very well. There is a parallel case to this, and I will quote authority which the majority of this committee will not repudiate.

Kansas had a Territorial government which was fully recognized by the Federal authorities, and a delegate duly elected by the people of that Territory occupied a seat in the House of Representatives. A constitutional convention was called, and delegates were elected thereto, and a constitution known to history as the Lecompton constitution was framed. It was submitted to the people for ratification, and a majority of the votes cast were for ratification.

But a large part of the people of Kansas refused in any way to recognize the call for a convention, or its work, and declined to vote at all. The President of the United States recommended the admission of Kansas under the constitution thus framed and adopted, and said in his message—

The people of Kansas have then, "in their own way," and in strict accordance with the organic act, framed a constitution and State government; have submitted the all-important question of slavery to the people, and have elected a governor, a member to represent them in Congress, members of the State legislature, and other State officers. They now ask admission into the Union under this constitution, which is republican in its form. It is for Congress to decide whether they will admit or reject the State which has thus been created. For my own part, I am decidedly in favor of its admission, and thus terminating the Kansas question.

An act to admit Kansas, under the Lecompton constitution, was passed by Congress, in the Senate by a vote of 31 to 22, and in the House by a vote of 112 to 103. The act thus passed explicitly recognized the validity of the proceedings which gave birth to the Lecompton constitution, but Kansas did not become a State under it, because the act of admission made provisions in regard to cession of public lands to the State, and the people of the Territory refused to accept these provisions. But, nevertheless, the principle for which I am con-

tending was recognized by the executive and legislative powers of the Federal Government.

But, says another—

A majority of the people of Utah have long defied the authority of the United States as expressed in its statutes, by practicing polygamy—an offense not only contrary to law, but to the sense of all christendom.

This is not true. A majority of the people of Utah, or a majority of the majority, did not practice polygamy. The statistics furnished by a Federal commission created for the purpose of disfranchising those who did practice polygamy prove conclusively that only a minority of the majority practiced polygamy. Moreover, the great majority of the whole people of the Territory—every one of whom not only had never been guilty of an offense against the law prohibiting polygamy, but who had to take an oath to that effect, and, also, that it was his intention to obey that law—ratified a constitution which forever prohibited polygamy, and contained provisions making it an offense against the State, and providing severe penalties therefor.

More than this, a legislative assembly, elected by these same people, enacted a most stringent marriage law which not only makes polygamous marriages illegal, but provides for the punishment of all who knowingly participated, either as civil officials or as ecclesiastical persons. The same legislative assembly solemnly resolved that it was in favor of the execution of the Federal statutes against polygamy and polygamous offenses in the same manner as other criminal statutes were executed and enforced. This resolution was passed because bills had been introduced providing for Territorial statutes against polygamous offenses, and such legislation being supererogatory, Federal laws of course being paramount, the legislative assembly, while failing to enact the proposed laws, desired to put on record the unanimous will of its members that the Federal statues should be enforced.

"Yes," it will be said, "this is all true, but the majority of the people of Utah are members of a church organization which not only permits polygamy but makes it obligatory upon its disciples." No, this is not true. The Church of Jesus Christ of Latter-Day Saints, as a church organization, does nothing of the kind. It does not, and never did, make the practice of polygamy obligatory. The Church of Jesus Christ of Latter-Day Saints accepts the revelation through Joseph Smith concerning marriage as coming from God. That revelation related also to celestial marriage, which is a different thing from plural marriage, and while all members of the church recognize as binding the ordinances relating to marriages for eternity as well as for time, all have not, and do not, recognize the revelation concerning plural marriages as obligatory upon them. The great majority have never entered into plural marriage, and therefore have regarded that part as permissive simply and only.

Mr. BAKER. What is the difference between celestial and plural marriage?

Mr. CAINE. Celestial marriage is a marriage for time and eternity. The persons are not only joined for so long as they both shall live, but for time and all eternity. That is celestial marriage, but it is not necessarily plural marriage. Celestial marriage could be entered into by persons in good standing in the church, although there would be no polygamous relations about it.

Mr. WILSON. Right there I would like to have you make that statement more explicit if you can. I understand it, and if I am wrong I want to be put right, and if any member of the committee is wrong I

want him to be put right—I understand celestial marriage to mean, as you have said, a marriage for time and eternity, and if a man has simply one wife, and never has another, that would be a celestial marriage?

Mr. CAINE. Yes, sir.

Mr. WILSON. And it is not necessary in order that there shall exist what is called celestial marriage that a man shall have more than one wife?

Mr. CAINE. No, sir; it is not.

Mr. HAYES. Are all the marriages under the church celestial marriages?

Mr. CAINE. Not necessarily.

Mr. STRUBLE. And is there more than one celestial marriage to the same person; may there be two or more celestial marriages to one man?

Mr. CAINE. If they were plural marriages they would be; but a celestial marriage is not always a plural marriage, but a plural marriage is always a celestial marriage.

Mr. MANSUR. Can there be plural celestial marriages to the same man?

Mr. CAINE. There can be, but a celestial marriage is not necessarily a plural marriage, but a plural marriage is always a celestial marriage.

Mr. WARNER. When a man has one wife and then takes the next one, is that recognized by the church as a celestial marriage?

Mr. CAINE. Yes, sir; and all single marriages may be celestial marriages also.

Mr. MANSUR. That applies only to the males?

Mr. CAINE. That applies only to the males.

Mr. DUBOIS. Is there anything in a celestial marriage ceremony which prevents a man performing that ceremony from taking advantage of the temporal rights of that marriage; does it differ in any other way in regard to the rights of a husband in any other marriage? Is there anything in the ceremony which prevents cohabitation or differs from the ordinary temporal marriage?

Mr. CAINE. I do not know that there is.

Mr. BASKIN. Under the celestial system of marriage you spoke about, whether it be singular or plural, under the ceremony, does not the husband in that ceremony reserve to himself the right to take other wives?

Mr. CAINE. No, sir; he does not. There is nothing of that kind about it.

Mr. BAKER. Is not that implied?

Mr. CAINE. No, sir.

Mr. BASKIN. Is the plural ceremony under that celestial system any different from the first ceremony?

Mr. CAINE. Not materially.

Mr. BASKIN. That is, the covenant that he makes with his first wife is the same he makes with the plural wife?

Mr. CAINE. Yes, I think so; there is a little difference in the ceremony, but the covenant, I believe, is the same.

Mr. RICHARDS. Is it not a fact that men have been married to celestial wives for eternity alone, and in that case they would not have the right to cohabit during this life?

Mr. CAINE. Yes, sir; these are marriages for eternity and not for time.

Mr. RICHARDS. Where the marriage is for time and all eternity, whether it is a plural marriage or not, it carries with it the right to cohabit, and where the marriage is for eternity alone it carries no right to cohabit?

Mr. CAINE. Certainly not; cohabitation in such a case would be adultery.

Mr. STRUBLE. Can you state what proportion of these marriages Mr. Richards has just mentioned is a plural or celestial marriage?

Mr. CAINE. No, sir; I can not.

Mr. BAKER. Are there any marriages simply for eternity?

Mr. CAINE. Yes. sir.

Mr. TAULBEE. Mr. Caine, when a celestial marriage is performed, and when one of the contracting parties dies, the existence of that marital relation continues?

Mr. CAINE. Yes, sir.

Mr. TAULBEE. Now, in the event a man dies and leaves a widow, to whom he is married for time and eternity, can she marry another person?

Mr. CAINE. Yes, sir; but the marriage would be only for time. She can not marry him for eternity. A man, though dead, can not be deprived of his family.

Mr. WARNER. Let me ask one question there, because we are getting into a branch of theology I do not understand. The covenant a man makes is for time and eternity, and therefore, if he dies, the wife is still——

Mr. CAINE. His wife.

Mr. WARNER. And his widow has no right to marry a man, except for time only?

Mr. CAINE. For time only.

Mr. WARNER. She can only make a time contract?

Mr. CAINE. Yes; that is about the idea.

Mr. TAULBEE. Under the doctrine of the church authorizing plural marriages, that right is confined to the man, is it not? One woman has no right to marry two husbands at the same time?

Mr. CAINE. No, sir; we do not admit of polyandry. There are physical reasons which would prevent such a marriage. It may be asked, "Has the church given up, yielded, or abandoned the revelation concerning plural marriages?"

The church has not, to my knowledge, received any new revelation on this subject. If it has, such revelation has not been promulgated. The Church of Jesus Christ of Latter-Day Saints, being founded on revelations from God, must, of course, patiently await the pleasure of its Divine Author to make known His will. However, it has been shown, by evidence taken in some of the legal proceedings connected with the suit of the United States to annul the incorporation of the church and escheat its property, that the church authorities no longer authorize and sanction plural marriages. And such marriages can not be contracted in accordance with church ordinances without such approval and sanction. And though attempts have been made by our opponents to make it appear that such marriages have been solemnized recently, there is not one particle of proof offered, nor can there be, to substantiate the suspicion.

And I will here state, on my honor, that the insinuation of Mr. McBride that the Utah constitutional provision against bigamy and polygamy was not meant to punish Mormons who should contract plural marriage is entirely without foundation. The gentlemen who framed and adopted that constitution meant by the terms "bigamy and polygamy" just what is meant in the acts of Congress, and this without any quibble or mental reservation of any kind. I can say, further, that this was the general understanding among the citizens who ratified that constitution at the polls.

Mr. WARNER. One word here. You say there is no new revelation upon that subject. That revelation must be received through whom?

Mr. CAINE. Through the head of the church, and it must then be submitted to the quorums of the church for their acceptance.

Mr. WARNER. One question further. How many persons, since the transfer to Utah, have been at the head of the church?

Mr. CAINE. Brigham Young was the president of the church at first, and after him John Taylor. They are both dead.

Mr. WARNER. Who is now the president?

Mr. CAINE. There is no president of the church. The twelve apostles now preside over the church.

Mr. WARNER. Brigham Young had plural wives?

Mr. CAINE. Yes, sir.

Mr. WARNER. John Taylor had plural wives?

Mr. CAINE. Yes, sir.

Mr. WARNER. And I think, as stated on yesterday, that ten of the twelve, or a large proportion of the apostles that constitute the head of the church, have unlawful wives?

Mr. CAINE. I do not know, so far as that is concerned.

Governor WEST. The president of the twelve apostles, Woodruff, has?

Mr. CAINE. It has been so claimed, but whether he has now or not I can not tell. In fact, he has never been prosecuted, and no attempt has been made to prosecute him. I do not know if he now maintains the polygamous status or does not live in it.

Governor WEST. Has not Mr. Woodruff been hiding?

Mr. CAINE. I think not. He has not been out much of late, as he is an old man, but I do not know that he has been hiding. I have seen him frequently.

Governor WEST. You had probably seen John Taylor frequently before his death.

Mr. CAINE. No, sir.

Mr. STRUBLE. Has he been on the street and about the city?

Mr. CAINE. Yes, sir; and he appeared at one of the conferences at the tabernacle and preached there since the prosecutions for polygamy commenced.

Mr. MANSUR. You stated awhile ago that this revelation would have to be approved.

Mr. CAINE. It would have to be accepted by the quorums of the church, and finally by the whole church.

Mr. MANSUR. Now, suppose they do not accept, can they overrule it?

Mr. CAINE. If they did not accept it, then it would not be binding upon the church.

Mr. MANSUR. Then you can overrule it.

Mr. BAKER. Then that constitutes rebellion.

Mr. CAINE. That would be a matter for each member to decide for him or herself.

Governor WEST. I have only one question to ask.

Mr. CAINE. Certainly.

Governor WEST. You say it is charged here that persons have gone into polygamy and still no evidence is adduced of it. Do you know Dr. Ormsby, of Logan?

Mr. CAINE. Yes, sir.

Governor WEST. Do not you know Dr. Ormsby has been lately tried and convicted of unlawful cohabitation?

Mr. CAINE. Yes, sir.

Governor WEST. Do not you know that unlawful cohabitation consists, in part, of his relations with his polygamous wife, who was taken within the time of limitation and that the fact of his polygamous wife was not known until the limitation had expired, the three years, and he could not be prosecuted for polygamy?

Mr. CAINE. Then he was not convicted of polygamy.

Governor WEST. He was not with a wife taken within the time.

Mr. CAINE. We have never denied that there were polygamists in Utah, and we do not now. I do not know, governor, if you know, when Dr. Ormsby's polygamous marriage was solemnized. You state it to the committee, but *I* do not know it.

Governor WEST. I know it very well, but I can not give the time, as all these polygamous marriages are in secret.

Mr. CAINE. I will wait for the governor to make his statement to the committee.

Governor WEST. I am going to ask you another question, if you will permit?

Mr. CAINE. Certainly.

Governor WEST. Is it not a fact that Mr. Angus M. Cannon, president of the Salt Lake State of Zion, has contracted a plural marriage after coming out of the penitentiary? Has he not married Dr. Mattie M. Hughes? Is not that true?

Mr. CAINE. I will have to insist that you give your testimony on that point to the committee. I do not know it, and you do not know it.

Governor WEST. You assert what I know. I do know it so far as his own statement is entitled to reliance.

Mr. CAINE. If you know it, it was your business to see that he was prosecuted.

Governor WEST. Do not you know——

The CHAIRMAN. I think, gentlemen, we had better proceed and let Mr. Caine go on with his argument.

Mr. BAKER. Has there ever been an occasion of a divine revelation of Almighty will that has not been accepted by the church or the proper authorities?

Mr. CAINE. To my knowledge there has not been. It has been frequently stated that I know such marriages were being solemnized, and the Salt Lake Tribune, after I made a certain speech in Congress in which I contended polygamy was a dead issue, said in effect, "Mr. Caine knows that these marriages are solemnized every day." I say most positively to the Salt Lake Tribune and its friends here, and to Governor West, that I do not know and they do not know of any such marriages. If they did the parties would be prosecuted.

Mr. BAKER. Will you allow me one other question?

Mr. CAINE. Certainly.

Mr. BAKER. Is there any difference between plural marriages and polygamy?

Mr. CAINE. No, sir; none whatever. What is known under the law as polygamy is what we Mormons call plural marriage and they recognize it as such. They call it in common conversation polygamy.

Mr. BAKER. I am very much obliged.

Mr. BASKIN. Let me ask you a question. You assert that you do not know of polygamous relations being entered into or solemnized in the endowment house, do you know they are not being done?

Mr. CAINE. Do you wish me put under oath? I have already made my statement and if you can impeach my testimony, you can do so.

Mr. WARNER. Mr. Chairman, I raise this point, that the gentleman has stated that he does not know it and I think that that ought to be sufficient.

Mr. BASKIN. He states that he does not know it——

The CHAIRMAN. We will hear the judge some other time.

Mr. CAINE. Mr. McBride, I think it was, referred to the case of Bishop Maughan the other day. I was not present, but I understood what he stated, that Maughan's was a case of polygamy. That is not so. Bishop Maughan was not convicted of polygamy; he was convicted for unlawful cohabitation and adultery, and I leave it to the committee to determine how a man can be guilty of adultery with a woman claiming to be his wife, though she be a plural wife.

Judge MCBRIDE. I made the statement on the report of the newspapers since I left.

Mr. CAINE. He was not convicted of polygamy, but of unlawful cohabitation and adultery, and the adultery was with his wife.

Mr. STRUBLE. With his first wife?

Mr. CAINE. I do not know which one, but it was decided he was a polygamist, and that he was living in unlawful cohabitation, and that he committed adultery with some one of them.

Judge MCBRIDE. Can any one commit adultery with his wife?

Mr. CAINE. It seems that they can do almost anything in Utah under the rulings of the courts. From the strange interpretations given there, I would not be surprised if a man could be convicted of adultery who had no wife at all. I think a good many men in Utah ought to be convicted of adultery who are not.

Mr. TAULBEE. I do not understand the distinction between unlawful cohabitation and polygamy or bigamy as considered in the courts under the act of Congress.

Mr. CAINE. Unlawful cohabition is the living together of a man with more than one wife.

Mr. TAULBEE. Let me state my understanding of it and see if I am correct, and then I have a question to ask you. If it is not perfectly agreeable to you, I will not make this interruption.

Mr. CAINE. It is perfectly agreeable.

Mr. TAULBEE. If I understand the construction your courts put upon the act of Congress, it is that cohabitation with a plural wife is not necessarily polygamy or bigamy, and it is denominated unlawful cohabitation if the polygamous marriage was contracted more than three years prior to the finding of the bill of indictment. Now, does the constitution reach unlawful cohabitation, being the bonds of matrimony known as a plural marriage, when that marriage was contracted more than three years prior to the time this law went into effect?

Mr. CAINE. The constitution says nothing about the subject of unlawful cohabitation. That was explained the other day, and I think the gentleman from Kentucky was here at the time.

Mr. TAULBEE. I had gotten a little confused on that point.

Mr. CAINE. A number of crimes of that class were left for the action of the legislature. I made the remark the other day, if you remember, that inasmuch as the constitution provided for the punishment of polygamous or bigamous marriages that such marriages would necessarily cease, and consequently there would be no unlawful cohabitation to punish.

Mr. DUBOIS. Mr. Taulbee, you are wrong, I think, in your statement there. It is not necessary that in order to constitute unlawful cohabitation that crime should have been committed three years prior. A

polygamous marriage may have been entered into one year before this statute; but it is impossible, almost, to prove polygamy, and therefore they are charged with unlawful cohabitation, which is more easily proven.

Mr. TAULBEE. I am speaking about the crime of polygamy, the crime which constitutes the act of polygamy, under the constitution.

Mr. CAINE. The polygamous status may exist and yet there may be no crime. That status may exist and the parties not live together or cohabit, and such status could not be called unlawful cohabitation.

Mr. TAULBEE. That is my understanding.

Mr. CRAINE. Really, Mr. Chairman and gentlemen of the committee, it is a sheer waste of time to discuss this polygamy objection to the admission of Utah. There is nothing in it. The cry of polygamy! polygamy! raised on all occasions by the opponents of Utah, has had its day. It has answered its purpose, but it is a thing of the past, and no longer available. Those who oppose the admission of Utah recognize this fact. They have found a new objection—the union of church and state—the dominating influence of the church hierarchy, as they term it—the all-pervading and controlling power of the priesthood.

The stale slanders about polygamy answers a purpose in the maintenance of a hostile public opinion, and in this work the most reckless and adroit agents are employed. Memorials were presented to Congress at the last session in which the most absurd and wicked statements were recklessly made, and when their absolute falsity was proved by affidavits from Federal officials, the same stories were deliberately repeated on the lecture platform and widely published through the press. But recently a press dispatch from Salt Lake City set forth a statement about the increase of polygamous offenses, and the sole basis of fact on which it rested was this: In one district, where scarcely an effort had heretofore been made to enforce the law against unlawful cohabitation, a great many indictments had been found against old men, and they came in at the last term of court, many of them voluntarily, and submitted themselves to the law.

The judge himself told me that the great majority of the cases were against men between fifty and eighty years of age, very few being against men under fifty. Out of two hundred and fifty cases there were only four persons suspected of polygamy; that is, a polygamous marriage contracted within the last three years; but three of these cases were, in the language of the judge, doubtful. Instead of the number of convictions and sentences at the recent terms of the courts being an evidence of defiance of the law, it is proof conclusive of submission thereto. Nearly all the prominent men of the church against whom indictments were pending and who had kept out of the way have come in and accepted the penalty imposed upon them. Is not this an indication of a general purpose to get these things behind them and accept the inevitable?

It is absurd to claim that the great mass of the Mormon people have not in perfect good faith accepted the situation and honestly intend to obey the law against polygamy and unlawful cohabitation. There are not in Utah, all told, two thousand men who ever have been polygamists, and at least 80 per cent. of these are old men. The great majority of these find it very difficult to make such provision for the support of their families as will enable them in appearance to obey literally the law against unlawful cohabitation as it has been interpreted by the courts. It is the appearance that constitutes guilt—the holding out,

the seeming to keep up past relations. Even acts of humanity have been interpreted as guilty disobedience of the law.

Mr. Ferry says witnesses dare not testify against accused persons. But they do so testify. These convictions reported, when the parties have not pleaded guilty, have been secured in nearly every case by the testimony of the man's plural wife, his children, or his intimate friends. This is a matter of record as well as of common understanding. There have been cases of women who have refused to testify as to the fathers of their children, and they have been imprisoned for declining to give evidence that would bring them into public disrepute, and in some cases expose them to prosecution for fornication; because in Utah, under the ruling of the courts, women may be prosecuted for fornication with a man she claims to be her husband and recognized as such; that is, in a polygamous sense. The facts are that these poor women dare not refuse to testify, on pain of imprisonment, and I defy Mr. Ferry to produce a single case of a witness who has been subjected to personal attack by a Mormon for testifying against him in a case of this character. There is, no doubt, reluctance on the part of witnesses to give evidence that would send a husband, protector, or father to prison, but there is no fear except that imposed by the terrors of a harshly executed law.

These gentlemen talked about men going like sheep to the polls and voting. You ought to see the polygamists in Utah march into the courts to receive sentence. They frequently appear in more than "blocks of five."

Mr. STRUBLE. Do they voluntarily appear?

Mr. CAINE. Many of them do.

Mr. STRUBLE. How long have they commenced voluntary appearance for punishment?

Mr. CAINE. Almost ever since the law commenced to be enforced, but more particularly within the last two years, since there has been a sentiment of fairness manifested in the execution of the law.

Mr. STRUBLE. Has not the most of the voluntary appearance been since the appointment of the last supreme judge?

Mr. CAINE. No, sir. Men have all along gone up and plead guilty and taken their little dose of fine and imprisonment and served it out, being anxious to get the thing behind them.

I wish to say in answer to the charge that witnesses against Mormons are bulldozed so they dare not testify, there has been a system of bulldozing in Utah, if not of witnesses, at least of Mormons; for instance, some two years ago, there was formed among the non-Mormons what is called the Loyal League. A member was required to contribute fifty cents a month for the support of agents in Washington to oppose statehood and to promote anti-Mormon legislation. In the mining camps, where Mormons and non-Mormons were employed, the Mormons had to contribute to this fund or lose their places. Men who had no faith in such schemes were forced to contribute their fifty cents a month for the traveling expenses and hotel bills of Judge Baskin and other gentlemen who have been here representing the anti-Mormon ring of Salt Lake City.

Mr. STRUBLE. You speak of those gentlemen constituting a ring; do you wish to be understood by that as referring to the opposing delegation that they represent merely a few gentlemen who are organized there for the purpose of opposition to the Mormons and that they do not represent the Gentile sentiment there?

Mr CAINE. What I mean by a ring is, the people who are the agitators in this matter—I do not refer to the great mass of Gentiles. If it

were not for the efforts of these agitators, and the misrepresentations that are made by them, the great mass of the non-Mormons would take no part nor lot in the matter; but they are led to believe their interests are at state. and hence their opposition.

Mr. STRUBLE. Do you pretend that the Gentile people there differ with these gentlemen who are here, in sentiment, upon the advisability of opposing the Mormon supremacy as it has now and heretofore existed; are these gentlemen here simply representing a few men who are, strictly speaking, agitators, or have they the people back of them in this question?

Mr. CAINE. I say, by their misrepresentations they have raised a sentiment among the non-Mormons there that is hostile to the Mormon people, and many of them are conscientiously, I presume, opposed to statehood.

Governor WEST. Can you say there is a Gentile in favor of it?

Mr. CAINE. I do not know that I can name one; if there were, they would be tabooed. No Gentile dare say he was in favor of statehood. He would soon be expelled from the Alta Club and all its privileges. And I want to warn this committee here of the great danger they are incurring. I will read a warning to them from the Salt Lake Tribune of January 11, commenting on an article from a Boston paper in regard to this State question. The editor says:

> The above presents the situation clearly as it is. Understanding it perfectly, it should be the duty of the Gentiles of Utah to preserve the name of every advocate for admission, in Congress, that for all time to come they may be branded as unclean whenever they aspire to any position of honor or emolument.

Now, gentlemen, if you do not want to be branded as unclean, be careful not to report a bill for the admission of Utah.

But to resume: I believe that the great majority of the men who are known as polygamists, *i. e.*, men who have that legal status and are deprived of all voice in affairs, are honestly desirous of living within the law. As I have said, it is difficult for many of them to avoid the appearance of disobeying the law because of their situation financially. They have not the means to provide for their families other than by daily exertions.

There is room, gentlemen, for the exercise of not only charity, but philanthropic effort of a more substantial kind, in the settlement of this problem. Real statesmanship would prompt liberality in more than sentiment in dealing with the question. Instead of continuing to impose penalties upon the masses of the people who honestly desire to solve a troublesome problem, would it not be far wiser to meet them in a cordial spirit and try to devise ways to enable those who want to conform to the law to do so? You can not do this by placing the means in the hands of men and women who are themselves fanatics. You can not do it by providing means for unscrupulous missionaries and proselytes to ply their trade.

The opportunity to solve forever not only this problem, but to settle the whole Utah question and take it out of the legislative halls, is offered you. The opposition to the admission of Utah coming from that Territory is fomented and kept alive by unscrupulous, ambitious men. I do not include among them the conservative Gentiles, who mind their own business and are willing to live and let live. There is not a real business man in the Territory who need have the slightest fear that his interests will not be as secure with a State government as they are now. Indeed, every business man must know that with statehood the value of his property, the prosperity of his trade, will advance materially at once.

The bottom motive of the agitators in Utah is to bear rule themselves. Being in the minority, they want the majority proscribed. They steadily resist every attempt to bring about even business relations with the majority. They attempted to ostracize every non-Mormon who participated in the union movement for a combined municipal ticket at the last election in Salt Lake City. They resort to the only "bull-dozing" attempted in political matters in the Territory.

Mr. STRUBLE. Was it on that account?

Mr. CAINE. Yes, sir; and the governor knows how he was treated. Perhaps he will state to the committee how he was abused, when he goes on the stand.

Governor WEST. You can state it.

Mr. CAINE. No, I do not wish to. I will not deprive you of that privilege.

Every Gentile who dissents from their schemes is denounced and abused and whipped into line, or dubbed a Jack Mormon, a name that strikes terror to every weak-kneed Gentile heart. They have a daily organ whose avowed purpose is to make friendly, social, and political relations between Mormons and non-Mormons impossible. "There must be no surrender. Continue to agitate, to create an adverse public opinion throughout the land, by any and all means, and the triumph of their side will be sure." The chances are all against those who profess a religion that is antagonistic to all other creeds. This is the spirit and these the arguments employed by our adversaries. All the talk of Judge McBride and others about the Mormons "obeying orders" and voting as they are told is the veriest nonsense, and is not supported by a scintilla of evidence. I most unhesitatingly declare that it is not true. There is no spot on the earth where the elective franchise is exercised with greater freedom than in Utah by the Mormon people, the ballot being absolutely secret. I speak from knowledge; Mr. McBride doubtless speaks from mere conjecture.

The CHAIRMAN. Mr. Caine, I would call your attention to the fact that it is very near 12 o'clock.

Mr. CAINE. I am not through yet. I have been interrupted so much with questions that I can not finish my argument before 12 o'clock.

The CHAIRMAN. We recognize that fact.

Mr. CAINE. I expected to have concluded within the time. How much time have I consumed?

The CHAIRMAN. One and a half hours.

Mr. WARNER. I should think that allowance should be made for the interruptions that have occurred.

The CHAIRMAN. Especially as the business of this committee is now before the House, the committee now, perhaps, had better adjourn.

Mr. WARNER. I move, then, that we adjourn until to morrow at 10 o'clock.

Thereupon the committee adjourned until to morrow, Thursday, at 10 o'clock a. m.

COMMITTEE ON TERRITORIES,
Thursday, January 17, 1889.

The committee met pursuant to adjournment.

Mr. CAINE continued his argument as follows:

The attempt to create the belief throughout the country that priestly influence will dominate the State, that the Mormon people are subjected to an ecclesiastical tyranny, is part of the shrewdly devised

scheme and organized effort to accomplish the overthrow of the majority and the elevation to power of the minority.

Now how are you going to deal with this question, raised in this way, and for the purpose stated? Will you not naturally look to the constitution of this church which is claimed to arrogate both political and spiritual power? If you do, you will find that it is the most democratic church organization in the world. You will find that in its doctrines it proclaims and insists upon the disassociation of the civil and spiritual powers. You will find on examining its organization that there is and can be no "one man power," and its history will disclose that whenever any attempt has been made, even in comparatively immaterial matters, to assume power at the expense of the body of the people, the people have invariably asserted and maintained their rights.

Permit me, before dealing seriatim with these propositions, to say that there is nowhere to be found a body of people who are so generally intelligent and well informed, not only on all subjects relating to their church, but to things in general, as the Mormons are. I have pointed you to one significant fact, namely, that the percentage of illiteracy in Utah is less than in any Territory and than in most of the New England States. Take the body of the Mormon people and illiteracy is the exception. There are comparatively very few who can not read and write. It is a rare thing to find a Mormon family without reading matter. They are great readers. They are all more or less students of the Bible, of the sacred books of their church, and of religious literature generally.

You must remember that there is an army of Mormon missionaries in the field; that every young man in the church is liable to be called at any time to go out as a missionary. This, however, is not to preach polygamy. Young and middle-aged men are coming and going constantly. They go to all lands, they acquire languages, and teach and preach in almost all tongues. They not only read, but they see. They are posted in the manners, customs, and laws of the different countries where they labor. They thus acquire knowledge, which they bring home for use among their own people.

The natural tendency of the Mormon mind is independence of thought, there is no disposition to accept points of doctrine, or of belief even, from any one man. But it is the general concensus of the whole church which binds. There is opportunity for every one to express his views and to vote his sentiments.

The organization of the church is thoroughly democratic. The Book of Doctrines and Covenants, which is received as divine authority, says:

> All things in the church must be done in order, and by common consent, and by faith, and much prayer.

It is provided further that—

> No officer can be chosen in a regularly-organized branch of the church without the vote of that branch.

In fact, from the first presidency of the church down through all the gradations of offices and officers, if you choose to call them such, the vote of approval by the whole body of the people is required. "Common consent" is one of the chief corner-stones upon which the church stands. Moreover at every general conference of the church this common consent is required to be taken.

The great cardinal difference between the organization of the Church of Jesus Christ of Latter-Day Saints and other ecclesiastical organizations is its democracy. In fact, it may be truthfully said that the whole membership of the church, male and female, has not only a voice

and vote, but each individual almost has something to do. Every male member is or may be one of the priesthood.

There are local district organizations; quarterly conferences are held in these districts or stakes, as they are called, and semi-annual general conferences of the whole church. There are no star-chambers, no consistories, where laws are made for the laity and rules of faith prescribed. The *common consent* of all must be had and respected, and the rules and regulations to govern the members extend and apply to all the officers up to the president of the church himself.

As to the theory of the church in reference to affairs of state, let me say the opinions or theories of no man in the church—be he prophet or apostle—can be set up as superior to the accepted standards, one of which is the Book of Doctrine and Covenants, from which I now read what is held "Of government and laws in general:"

Now, gentlemen, my time will not permit me to read the whole of the article, but I would like to have it all printed in the record. I will read just two or three extracts.

OF GOVERNMENTS AND LAWS IN GENERAL.

That our belief with regard to earthly governments and laws in general may not be misinterpreted nor misunderstood, we have thought proper to present near the close of this volume our opinion concerning the same.

(1) We believe that governments were instituted of God for the benefit of man, and that he holds men accountable for their acts in relation to them, either in making laws or administering them, for the good and safety of society.

(2) We believe that no government can exist in peace except such laws are framed and held inviolate as will secure to each individual the free exercise of conscience, the right and control of property, and the protection of life.

(3) We believe that all governments necessarily require civil officers and magistrates to enforce the laws of the same, and that such as will administer the law in equity and justice should be sought for and upheld by the voice of the people (if a republic) or the will of the sovereign.

(4) We believe that religion is instituted of God, and that men are amenable to Him and to Him only for the exercise of it, unless their religious opinions prompt them to infringe upon the rights and liberties of others; but we do not believe that human law has a right to interfere in prescribing rules of worship to bind the consciences of men, nor dictate forms for public or private devotion; that the civil magistrate should restrain crime, but never control conscience; should punish guilt, but never suppress the freedom of the soul.

(5) We believe that all men are bound to sustain and uphold the respective governments in which they reside while protected in their inherent and inalienable rights by the laws of such governments, and that sedition and rebellion are unbecoming every citizen thus protected, and should be punished accordingly; and that all governments have a right to enact such laws as in their own judgment are best calculated to secure the public interest, at the same time, however, holding sacred the freedom of conscience.

(6) We believe that every man should be honored in his station, rulers and magistrates as such being placed for the protection of the innocent and the punishment of the guilty; and that to the laws all men owe respect and deference, as without them peace and harmony would be supplanted by anarchy and terror, human laws being instituted for the express purpose of regulating our interests as individuals and nations between man and man, and divine laws given of Heaven, prescribing rules on spiritual concerns for faith and worship, both to be answered by man to his Maker.

(7) We believe that rulers, states, and governments have a right and are bound to enact laws for the protection of all citizens in the free exercise of their religious belief; but we do not believe that they have a right in justice to deprive citizens of this privilege or proscribe them in their opinions so long as a regard and reverence are shown to the laws, and such religious opinions do not justify sedition nor conspiracy.

(8) We believe that the commission of crime should be punished according to the nature of the offense; that murder, treason, robbery, and the breach of the general peace in all respects should be punished according to their criminality, and their tendency to evil among men, by the laws of that Government in which the offense is

committed; and for the public peace and tranquillity all men should step forward and use their ability in bringing offenders against good laws to punishment.

(9) We do not believe it just to mingle religious influence with civil government, whereby one religious society is fostered and another proscribed in its spiritual privileges, and the individual rights of its members as citizens denied.

(10) We believe that all religious societies have a right to deal with their members for disorderly conduct according to the rules and regulations of such societies, provided that such dealings be for fellowship and good standing; but we do not believe that any religious society has authority to try men on the right of property or life, to take from them this world's goods, or to put them in jeopardy of either life or limb, neither to inflict any physical punishment upon them; they can only excommunicate them from their society and withdraw from them their fellowship.

(11) We believe that men should appeal to the civil law for redress of all wrongs and grievances, where personal abuse is inflicted, or the right of property or character infringed, where such laws exist as will protect the same; but we believe that all men are justified in defending themselves, their friends, and property, and the government from the unlawful assaults and encroachments of all persons, in times of exigency, where immediate appeal can not be made to the laws, and relief offered.

Mr. TAULBEE. What is that you are reading from?

Mr. CAINE. It is the Book of Doctrine and Covenants, which is one of the standard works of the church.

Is not this an exposition to which every liberal-minded man can subscribe? It is the established guide on these questions; and garbled extracts from individual speculative remarks, which have never been adopted by the church, are not to be considered as doctrine, particularly when they are not in harmony with the published creed.

But it is claimed that in practice the Mormons do not divide, as the members of other religions denominations do, on political questions. It is insisted that they stand together as one man, and hence it is assumed that this is by reason of the control of the priesthood.

Now take the case of the Lollards, the Waldenses, the Huguenots, the Covenanters, of any sect, where all others are arrayed in open hostility. The proscribed stand together. It can't be otherwise. The Mormons are proscribed, not only as to their creed, every other creed being hostile, but as to their political rights. You know that the demand has been made, is made to day, to disfranchise all Mormons because of their religious belief. It was cloaked for a time by the pretense of being aimed solely at the practice of polygamy; but, that being abandoned, the pretense is that there is a church hierarchy which is dangerous in practice and in principle—antagonistic to American institutions. On the part of the Mormons it is a struggle, not only for existence, but to preserve property rights. It is actually a contest of local majority against a local minority, backed by outside influence, rallied by appeals to prejudice, largely engendered by sectarianism andg eneral want of knowledge as to the real principle in issue.

Why is it that our opponents rake up from by-gone times old stories musty with age and misty with doubt? What is Utah to-day? That is the question. What kind of people are now asking for the rights of freemen? It is not the opinion or acts of men dead and buried years ago that we need to discuss. We are not holding a post-mortem examination. It is a living people and living issues that should engross our attention.

Now, what is the local situation? The Mormons found Utah a desert, deemed uninhabitable, a thousand miles of uninhabited regions on every hand. They redeemed the desert; they founded a great community; they made possible the settlement and development of the surrounding country; they made mining possible by supplying cheap food supplies; they made continental railway building a feasible undertaking fifty years before it would have been undertaken had they not created Utah;

they made the region attractive to those not of their faith; they welcomed their coming, and in their conduct of Territorial affairs have had regard for the interests of all; the greatest good to the greatest number has been their aim.

Justice has been sure to all. What suitor ever complained that a Mormon jury did not give him justice? Life and property were secure everywhere. The great body of the Mormons are agriculturists. They are conservative people. They believe in paying as they go, and dread private or public indebtedness. They do not believe in burdening future generations for the benefit of the present, and look with suspicion on "booms," whether engineered by Mormon or non-Mormon speculators. They fear the influence of the class that makes a trade of politics and of "engineering things." They believe in encouraging diversified industry and the development of the resources of the Territory, and every mining and manufacturing enterprise has been favored in the way of taxation.

Mr. Ferry, in his argument, insinuated that had it not been for the absolute veto power of the governor the Utah legislature would have unjustly taxed the mines. I happen to know better. I was in the legislature when the matter was discussed. It was not proposed to tax "a hole in the ground," nor a prospector's claim. But it was thought that patented mining property of established value ought to yield revenue on the same principle as farming, manufacturing, and mercantile property.

The mineral output from 1871 to 1889 was $134,994,630, on which not a dollar of tax has been paid, the revenue law exempting mining claims, "the product of mines, and the ore in the mines." I do not think any mining man ought to say one word as to taxation of mines in Utah. Nevada is a mining State, and controlled by mining interests, and yet Nevada taxes the net proceeds of all mines and mining claims, and the State tax is nearly three times as much as the Territorial tax of Utah.

But there is well-founded reason for fearing that if the faction which represents the minority and urges the relentless war on the majority succeeded in obtaining control of affairs, the conservative policy would be changed. The character of the men who are the chief agitators justifies this fear. Hence, it follows that the Mormon people stand together. Change the order of things—remove the pressure from all sides, and you will then see whether or not the Mormons will divide on political issues as the people of other sects do.

Our governor is here, and, I understand, for the special purpose of opposing statehood for Utah. He has kindly had himself interviewed in order, I suppose, that we might not be taken by surprise either by his appearance before this committee or by the arguments he intends to advance in support of the position he has taken. As reported in the New York Herald and other papers, he declares that "of the 220,000 people within the limits of the Territory, four-fifths are Mormons." Now four-fifths of 220,000 are 176,000, so that according to Governor West there are 44,000, all told, in Utah, who are not Mormons. He insists that if the 176,000 are given the power the 44,000 will be completely at the mercy of the majority. He, of course, knows that this is a gross exaggeration, but it suits his purposes, and is popular to talk in this way. He knows very well that it would not be possible for these 44,000 non-Mormons to be deprived of a single right of property or power by the 176,000 Mormons. He knows, moreover, that the 176,000 Mormons would not attempt to do anything of the kind. He knows that the Mormons are not fools, whatever else they may be.

In what way would the minority be completely at the mercy of the majority in Utah any more than in any other State? This is not a country where majorities are absolute. In addition to being hedged about by limitations and restrictions formulated in the supreme organic law of the land and in the constitution of the State itself, there is the overriding power of public opinion. It is the merest babble of fools to talk about non-Mormons being at the mercy of the Mormons if Utah is made a State. In the first place the Mormons would have no object to serve by oppressing the non-Mormons; and in the second place they could not if they wanted to. It would be unwise and impolitic, admitting, for the sake of argument, that they would not be restrained by any higher motives. They could not gain what they want—statehood—by presenting a constitution which did not make absolutely secure the rights of the minority.

As to the other statements of Governor West, namely, that the Mormons, the 176,000 in Utah, "are ruled practically by a one-man power," it is unworthy of the representative of the majesty of the Federal authority in Utah. He is supposed to be disinterested, the citizen of another State sent to fill the position of executive of the Territory, and presumably without bias for or against the great majority of the people thereof. He comes here at whose solicitation? Presumably of his own accord, because he believes it to be his bounden duty, as a citizen of the United States, to protest against the admission of Utah as a State. He poses as a patriot and the friend of the 44,000 people of Utah who are to be at the mercy of the 176,000 Mormons, "ruled practically by a one man power. Very effective and affective, is it not? Beyond doubt, when he sought the appointment of governor of Utah, he had no thought of "going West to grow up with the country." Neither did he go forth from the famous "blue grass region" in the spirit of a missionary. He was simply a patriot—one who wanted an office; "simply that and nothing more." He got what he wanted, and it is to be presumed that when his term of office expires he will shake the alkaline dust of Utah from his shoes and hie away to the delectable blue-grass pasture and pleasant streams of his native State. Of course he is disinterested and the friend of the 44,000 in Utah who would be at the mercy of a majority ruled practically by a "one-man power."

Gentlemen of the committee, you are sensible men, and you can not, you will not, believe such twaddle. I have shown you that the Mormons are an intelligent people. I have pointed to some of their marvelous accomplishments in Utah. I have told you what their church organization is and how thoroughly democracy pervades it. I have read to you from our Book of Doctrine and Covenants the deliberately formulated and expressed views of that church organization on government, and you are bound to accept those views as the honestly conceived and formally-declared purpose of that church organization. They have not been belied by the practice of the Mormon people. They were not formulated to serve a purpose or to conceal an object. They were to stand for all time. They are to-day the honest sentiments and the guiding principles of all true Mormons.

Governor West says, in his Herald interview;

> Confer the right of statehood upon Utah and the Mormons would frame a constitution and laws so unjust and arbitrary in their character that an outsider could not live among them.

Why did he say this? Will he say the same thing to you? Certainly not. He will doubtless say that if you confer statehood upon Utah when she presents a constitution that is republican in form, and guar-

anties life, liberty, and the pursuit of happiness to every human being, irrespective of creed, condition, and pursuits, and forbids polygamy and union of church and state, that the Mormon majority will attempt to do something which that constitution forbids. But you will not believe him for the simple reason that you would not believe the moon is made of green cheese, even if the governor of a Territory told you it was. It is mere nonsense, but it is wicked, malevolent nonsense intended for the consumption of the unreflecting masses.

What object would the Mormons have to serve? What would they accomplish by such doings? To ask these questions is to suggest the answers. They would simply accomplish their own certain and speedy overthrow. You can only believe such twaddle by presupposing that the Mormons are knaves and fools.

And now what does our governor propose for the people of Utah?

A Territorial commission, acting in conjunction with the governor, which would control all appointments, would answer our purpose exactly.

I have no doubt it would, provided he was the governor, and the commission was in perfect accord with him. I verily believe that if he could be guarantied this he would consent to, out of pure patriotism, of course, serve his country in such capacity during the balance of his natural life. What would he do? He tells us, "we could break down the power of the church, and Utah would enter upon an era of prosperity such as no other Territory has ever known," which being interpreted, gentlemen of the committee, means having deprived the Mormon majority of power, we, Governor West & Co., would enter upon an era of prosperity such as no other set of patriots in this world ever dreamed of.

The power of the church, which is a euphonistic form of expression for the Mormon majority, is a terrible bugbear to all patriots like the governor. Naturally so. Their era of prosperity can not begin until it is disposed of in some way.

He wants it distinctly understood that he would not interfere with any man's religion. Hear him!

When I speak of breaking down the power of the church I must not be understood as opposing their religion *per se*. It is the church we are fighting.

I am perfectly certain that the governor and his coterie care very little about religion *per se*. If they did he and they would not be here engaged in the work they are. But how are they going to break down the power of the church? By taking away the political rights of every member of it. They will compromise right off with the Mormons provided they get the pudding and the Mormons take the bag. They are modest, and only want to run the machine themselves.

It is all well enough for these gentlemen who assert that the Mormon Church "is a huge political machine," controlled by a "one-man power," but it is mere assertion. It is, moreover, a false assertion. The Mormon Church is not a political machine, and it is not controlled by one man. As an ecclesiastical organization it is not controlled by one man or by twelve men in anything that pertains to its affairs. The whole body of the church, the members themselves, control, and common consent is the corner stone of its organization. Without the consent and approval of the people nothing can be done, and nothing is done. And this consent and approval is not a mere formality. It is an essential thing, recognized by all, acquiesced in by all, and, moreover, it is an intelligent, independent, not a mere blind, meaningless act.

Are you prepared to make war on any church organization? Are